

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**KEITH A. WEST,**

**Plaintiff,**

**v.**

**C/O GOLDBERG, et al.,**

**Defendants.**

**Case No. 12-cv-976-JPG-PMF**

**REPORT AND RECOMMENDATION**

**FRAZIER, Magistrate Judge:**

Before the Court is a *sua sponte* recommendation that plaintiff's claims against defendant Nurse Melvin be dismissed without prejudice for lack of service of process. Service is governed by Rule 4(m) of the Federal Rule of Civil Procedure, which provides, in pertinent part:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

Fed. R. Civ. P. 4(m). After service was not made within 120 days, the Court presumed good cause and extended the deadline for service of process through April 5, 2013 (Doc. No. 28). Despite diligent efforts, service was not accomplished due to the lack of a last known address where Melvin can be found and served with process. There is no indication a good service address can be obtained.

IT IS RECOMMENDED that plaintiff's claims against defendant Nurse Melvin be dismissed for lack of timely service. The dismissal should be without prejudice.

**SUBMITTED: May 10, 2013**

**s/Philip M. Frazier**  
**PHILIP M. FRAZIER**  
**UNITED STATES MAGISTRATE JUDGE**